

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JOSEPH MUNDY, )  
Plaintiff, ) No. 08 C 1576  
vs. ) Judge Bucklo  
LIFE INSURANCE COMPANY OF NORTH AMERICA, ) Magistrate Judge  
In its capacity as Administrator of the ) Valdez  
Yellow Roadway Corporation Long-Term )  
Disability Benefits Plan, )  
YELLOW ROADWAY CORPORATION LONG-TERM )  
DISABILITY BENEFITS PLAN, )  
YELLOW TRANSPORTATION, INC., )  
Defendants. )

## REPORT OF PARTIES PLANNING MEETING

## 1. Meeting.

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on June 27, 2008 and June 30, 2008 by telephone, and was attended by Roger Hutchison for Plaintiff; William Pokorny for Defendant to Count I - Yellow Transportation, Inc. (YTI); and Peter Pederson for Defendants to Count II - Life Insurance Company of North America (LINA) and Yellow Roadway Corporation Long-Term Disability Benefits Plan (the Plan).

2. Pre-trial Schedule.

The parties jointly propose to the court the following discovery plan:

a. Discovery will be needed on the following subjects:

The Plaintiff and YTI agree that discovery deadlines should be reserved until after the Court rules on the Motion to Dismiss Count I.

LINA and the LTD Plan take the position that discovery in regards to Count II must be limited to the plan documents and the administrative record. Plaintiff, LINA and the Plan don't agree concerning the scope of any discovery as to this count. Plaintiff shall file a Motion for Leave to Conduct Limited Discovery within 21 days. LINA and the Plan shall have 21 days to respond. Plaintiff requests 7 days to Reply.

**b. 26(a)(1) disclosures.**

LINA and the Plan have provided 26(a)(1) disclosures, including the Administrative Record and Plan Documents.

26(a)(1) disclosures by the remaining parties shall be reserved pending disposition of the Motion to Dismiss Count I.

**c. Depositions.**

The parties agree that discussions concerning depositions, if any, should be reserved until after the Court's ruling on the Motion to Dismiss Count I and after the ruling on the motion discussed in (a).

**d. Reports from retained experts under Rule 26(a)(2) due:**

The parties agree that deadlines in regards to retained experts, if any, should be determined after the Court's ruling on the motion discussed in (a).

**e. Potentially dispositive motions.**

The parties agree that dispositive motions shall be filed by October 30, 2008.

**f. Final pretrial order.**

The parties agree that it is premature to set a deadline for the date of filing until the court rule on the above-referenced Motion to Dismiss Count I, and the Motion for Leave to Conduct Limited Discovery in regards to Count II.

**g. Ready for trial date.**

The parties agree that it is premature to set 'ready for trial date' until the court rule on the above-referenced Motion

to Dismiss Count I, and the Motion for Leave to Conduct Limited Discovery in regards to Count II.

**3. Settlement.**

The parties have not begun settlement discussions. The parties agree that they will address the possibility of settlement by their clients and will report to the court about the possibility of settlement at the next status hearing.

**4. Consent to proceed before Magistrate Judge.**

The parties do not consent unanimously to proceed before a Magistrate Judge.

Date: June 30, 2008

Respectfully submitted,

/s/Roger S. Hutchison  
Attorney for Plaintiff

/s/Peter E. Pederson  
Attorney for Defendants  
Life Insurance Company of  
North America; Yellow Roadway  
Corporation Long-Term  
Disability Benefits Plan

/s/William R. Pokorny  
Attorney for Defendant  
Yellow Transportation, Inc.